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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,414	04/06/2001	Oumar Nabe	17207-00009	5145

7590 03/18/2009  
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EXAMINER
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FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3696

MAIL DATE	DELIVERY MODE
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03/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/828,414	<b>Applicant(s)</b> NABE et al	
	<b>Examiner</b> DANIEL S. FELTEN	<b>Art Unit</b> 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

1. Receipt of the applicants' Amendment is acknowledged.

#### ***Response to Arguments***

2. Applicant's arguments filed \*\*\* have been fully considered but they are not persuasive.

\*\*\*.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Regarding claim\*\*\*, the word "means" is preceded by the word(s) "\*\*\*\*" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-21 and 31-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones III et al (US 6,925,441)

*Re Claims 1, 11, 43, 49, 50 and 51:* A method for managing customer relationships

between customers, a dealer, and a lender, wherein the dealer offers products for sale to the customers and

the lender is engaged in a business of providing financing, said method comprising the steps of: providing a database of customer information, customer spending data, and customer financial data for each customer stored within the database, wherein the financial data includes at least one of income, loan and credit payment history, and loan and credit overpayments for each customer (see Jones Abstract, column 3, lines 44 to column 5, line 37);

predicting future customer behavior for each customer stored in the database based on the customer information, customer spending data, and customer financial data (see column 6, lines 28-38);

constructing customer campaigns with personalized offers for the targeted customers (see Abstract, column 6, line 66 to column 7, line 14); and

providing financing by the lender for the dealer as part of the offer to the targeted customers, wherein the lender provides financing to the targeted customers that purchase a product from the dealer as a result of the customer campaigns (see at least column.

generating a list of targeted customers based on the calculated expected income and the calculated timing of purchase, wherein a targeted customer is a customer designated for

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receiving from the dealer a personalized offer for sale of a product(see column 9, line 56 to column 10, line 19);

Jones fails to disclose calculating for each customer at least one of an expected income from the customer for the dealer and a timing of purchase of a product from the dealer based on the predicted future customer behavior. However, Jones implies from gathering information about the spending habits of any given consumer, that Jones's content providers would have sought to know how much money the content provider would stand to make once a consumer accepted a particular offer (see column 6, lines 54-57). For example, the scoring of automobile insurance offers would go to the consumer who is most likely to respond and be able to pay for the service (see column 9, line 56 to column 10, line 19).

Moreover it is implied in Jones that spending behavior takes place a various times based upon location and times to buy specific products. For example, consumer that resides in Hawaii would more than likely not be interested in purchasing a snow blower. Or most people may not be interested in purchasing a grill. Thus Jones would not make certain offers to customers based upon these factors.

*Re claim 3:* further comprising the step of rank ordering customer accounts that have had only one occurrence of spending activity, based upon a probability of there ever being future spending activity. (see Jones Abstract, column 3, lines 44 to column 5, line 37).

*Re claim 5,* comprising the step of rank ordering customer accounts without spending activity over a predetermined unit of time (see Jones Abstract, column 3, lines 44 to column 5, line 37)

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*Re claims 6, 16, 23, 31, 32, 33,35, 36, 37 and 44.* wherein said step of predicting future customer behavior further comprises the steps of clustering groups of customers using key performance indicators. (see Jones Abstract, column 3, lines 44 to column 5, line 37)

*Re claims 7, 45 and 53:* wherein said step of predicting future customer behavior further comprises the step of predicting future spending of customers in the customer information database within a specified time period. (see Jones Abstract, column 3, lines 44 to column 5, line 37)

*Re claim 8, 18 and 54:* wherein said step of constructing customer campaigns further comprises the step of determining a customer targeting list based on at least one of likelihood of response, an estimated overall response rate, and profitability margin. (see Jones Abstract, column 3, lines 44 to column 5, line 37)

*Re claim 9, 19 and 58:* wherein said step of constructing customer campaigns further comprises the step of identifying product purchase patterns and indicating trends using key variables (see Jones Abstract, column 3, lines 44 to column 5, line 37)

*Re claims 10, 20, 42 and 55:* wherein said step of constructing customer campaigns further comprises the step of exposing the customer to new spending opportunities by segmenting previous spending patterns. (see Jones Abstract, column 3, lines 44 to column 5, line 37)

*Re claim 13:* server is configured to rank order customer accounts that have had only one occurrence of spending activity, based upon a probability of there ever being future spending activity. (see Jones Abstract, column 3, lines 44 to column 5, line 37)

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*Re claims 2, 4 and 12, 14,:* Hit and Run and Dormancy are conventional mathematical models that are used to perform analysis on a data set. Jones uses customer analysis that is based upon a model. Therefore, Official Notice is taken of the Hit and Run and Dormancy models has being obvious extensions to customer analysis to provide market campaigns that can be targeted to specific customers.

*Re claim 15:* wherein said server is configured to rank order customer accounts without spending activity over a predetermined unit of time. (see Jones Abstract, column 3, lines 44 to column 5, line 37)

16. (original) A system according to Claim 11 wherein said server configured to cluster groups of customers using key performance indicators.

17. (original) A system according to Claim 11 wherein said server configured to predict future spending of customers within a specified time period.

18. (original) A system according to Claim 11 wherein said server configured to determine a customer targeting list based on at least one of likelihood of response, an estimated overall response rate and profitability margin.

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19. (original) A system according to Claim 11 wherein said server configured to identify product purchase patterns and indicate trends using key variables.

20. (original) A system according to Claim 11 wherein said server configured to present to customers new spending opportunities by segmenting previous spending patterns.

21. (original) A system according to Claim 11 wherein said server configured to gather customer information through at least one of point of sale, home shopping, E-commerce, credit card information, bank card information, world wide web and digital television.

34. (original) A method according to Claim 31 wherein said step of requesting a prediction of future customer behavior further comprises the step of requesting a prediction of an optimal targeting list based upon at least one of a likelihood of response, an estimated overall response rate, and profitability margin.

36. (original) Apparatus according to Claim 35 wherein said means for predicting future customer behavior comprises means for examining key performance indicators.

37. (original) Apparatus according to Claim 35 wherein said means for predicting future customer behavior comprises means for clustering groups of customers using the key performance indicators.

38. (original) Apparatus according to Claim 35 wherein said means for predicting future customer behavior comprises means for identifying hit and run customers.



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39. (original) Apparatus according to Claim 35 wherein said means for predicting future customer behavior comprises means for identifying dormant customers.

40. (original) Apparatus according to Claim 35 wherein said means for predicting future customer behavior comprises means for rank ordering customer accounts according to spending activity.

41. (original) Apparatus according to Claim 35 wherein said means for constructing customer campaigns comprises means for determining a customer targeting list based on at least one of likelihood of response, an estimated overall response rate, and profitability margin.

42. (original) Apparatus according to Claim 35 wherein said means for constructing customer campaigns comprises means for segmenting previous spending patterns to present new spending opportunities to customers.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742.

The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel S Felten  
Primary Examiner  
Art Unit 3696

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